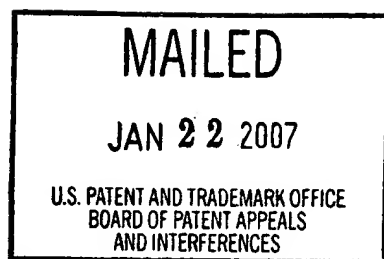


The opinion in support of the decision being entered today
was *not* written for publication and
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICK DEDRICK, LAURA I. SHINE, and
JEANNE M. KOSKI



Appeal No. 2006-2957
Application No. 09/540,239
Technology Center 3600

Decided:

Before ROBERT E. NAPPI, LINDA E. HORNER and ANTON W.
FETTING, *Administrative Patent Judges*.

ROBERT E. NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final
rejection of claims 1 through 26 and 29 through 31. For the reasons stated
infra we will not sustain the Examiner's rejection of these claims.

THE INVENTION

The invention relates to a distribution method wherein a list of goods available for distribution is received by a client, and goods are selected from the list and placed in an electronic shopping cart. A distribution package is created based upon the contents of the electronic shopping cart and access restrictions are placed on the distribution package. See page 4 of Appellants' specification. The method facilitates transactions where a business, which uses electronic commerce to purchase items, may want certain classes of employees to only purchase from particular collections or types of products. See page 3 of Appellants' specification. Claim 1 is representative of the invention and is reproduced below:

1. A method of using an electronic shopping cart to facilitate defining a distribution package, comprising:
 - connecting to an online distribution server;
 - receiving a list of goods available for electronic and/or physical distribution to a client;
 - selecting goods from the list;
 - adding said selected goods to an electronic shopping cart;
 - requesting creation of a distribution package according to contents of electronic shopping cart; and
 - assigning access restrictions for the distribution package, said restrictions controlling access by the client to the distribution package.

THE REFERENCES

The references relied upon by the Examiner are:

Schmidt	5,991,807	Nov. 23, 1999 (filed Jun. 24, 1996)
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Misra

6,189,146

Feb. 13, 2001
(filed Mar. 18, 1998)

THE REJECTION AT ISSUE

Claims 1 through 26 and 29 through 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Misra. Throughout the opinion we make reference to the Brief and the Answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of obviousness relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

Appellants assert, on page 6 of the Brief, independent claims 1, 7, 13, 17 and 25 recite use of an electronic shopping cart, which is known in the art to track goods that one might wish to purchase. Appellants argue, on pages 6 and 7 of the Brief "that there simply is nothing in Schmidt that teaches or even remotely suggests the recited 'electronic shopping cart'; in fact, there is nothing of *any* kind in Schmidt to teach or suggest commerce activity." Further, Appellants argue, on page 7 of the Brief that screen list, item 70 in figure 6 of Schmidt, shows access rights associated with members of a network group and has no relation to an electronic shopping cart.

In response, the Examiner provides a map equating the claim limitations to the teachings of Schmidt. See the map inserted between pages 5 and 6 of the Answer. In the map the Examiner states that the claim 1 limitation of “receiving a list of goods available for electronic and/or physical distribution to a client” is equated with Schmidt in which “Internet access allows for receiving lists of goods available and the Internet sites or IP addresses that provide them.” Further, the Examiner equates the claim 1 limitations of “selecting goods from the list” and “adding said selected goods to an electronic shopping cart” with Schmidt, stating “Figure 6 shows a list of selected IP addresses. The obvious step is selecting goods from the addresses” and “Figure 6 shows the ability to add, delete, and change the items in screen list 70 (shopping cart).” On page 6 of the Answer, the Examiner states that Appellants have not defined an electronic shopping cart and that the electronic list item 70 of Schmidt meets the claimed electronic shopping cart.

We disagree with the Examiner’s rationale. Initially, we note that claim 1 recites “receiving a list of goods ... selecting goods from the list; adding said selected goods to an electronic shopping cart.” Independent claim 7 contains similar limitations. Independent claim 13 recites “sending a list of goods to the manager-client... receiving a selection of goods from the list; adding said selected goods to a client-side electronic shopping cart.” Independent claims 17 and 25 recite similar limitations. Thus, each of the independent claims recites a selection of a good from a list of goods being added to an electronic shopping cart. Appellants’ specification, on

page 3, identifies that the electronic shopping cart is to “track intended purchases” and “[a]s a consumer selects items for sale, these items are placed in the virtual shopping cart for later checkout.” Thus, the scope of the independent claims includes a step where goods are selected and placed in an electronic shopping cart, a mechanism to track selections for purchase.

Schmidt teaches a method for managing access to a distributive network. See abstract. Schmidt teaches that the manager of the network can designate access to the Internet based upon the time of the day, or based upon the Internet site being accessed by the user. Figures 4 through 7 depict the menus presented to the administrator. See column 7, lines 11 through 41. The menu shown in window item 70 is described as “allows for the addition of IP Addresses or Port Numbers to a group or user access control list.” See column 8, lines 24 through 26. We find no disclosure that the IP address or Port numbers correspond to items to be purchased, or web pages of items to be purchased, nor do we find that the window item 70 operates to track items to be purchased. Thus, we disagree with the Examiner’s finding that Schmidt teaches the claimed electronic shopping cart.


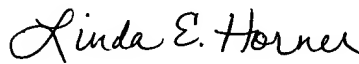

The Examiner has not asserted, nor do we find that Misra teaches or suggests modifying Schmidt to include an electronic shopping cart as claimed. Accordingly, we will not sustain the Examiner’s rejection of claims 1 through 26 and 29 under 35 U.S.C. § 103(a).

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We note that claims 30 and 31 are dependent upon claim 27 which is not rejected herein and has been withdrawn from consideration. As such, we reverse the Examiner's rejection of claims 30 and 31 as the Examiner has not presented evidence that the limitations that claims 30 and 31 receive from claim 27 are taught by the prior art of record.

For the forgoing reasons, we will not sustain the Examiner's rejection of claims 1 through 26 and 29 through 31, under 35 U.S.C. § 103. The decision of the Examiner is reversed.

REVERSED

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ROBERT E. NAPPI)	
Administrative Patent Judge)	
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LINDA E. HORNER)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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ANTON W. FETTING)	
Administrative Patent Judge)	

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